



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Koichi Ashizawa et al

Appln. No. : 09/124,925

Filed: : July 29, 1998

For : CURRENT COLLECTOR WITH PENETRATING  
HOLES OF COMPLICATED SHAPE FOR USE  
IN A SECONDARY BATTERY AND  
MANUFACTURING PROCESS THEREOF  
(AS AMENDED)

) Art Unit: 1745

) Ex. T. Dove

#13  
8/14/01

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AUG 10 2001

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Honorable Commissioner of Parents and Trademarks  
Washington, D.C. 20231

Sir:

The Notification of Non-Compliance with 37 CFR 1.192(c) (Paper No. 12) has been received.

In the Notification, it is stated that "the brief does not contain a correct copy of the appealed claims as an appendix.....," and "The appendix of the appealed claims include the amendments to the claims (filed 12/01/00) filed after the final rejection and not entered by the Examiner."

The amendment to claims 1 and 4 added by the REQUEST FOR RECONSIDERATION WITH AMENDMENT were:

Claim 1: "non-regular" to "complicated" ; and

Claim 4: "a given" in line 4 was deleted.

In the Advisory Action, the Examiner stated: "Applicant has amended the claims to include 'complicated' which was previously rejected as being indefinite. Re-adding the term would require the Examiner to reinstate the rejection of claims 1, 2 and 4."

The Examiner also stated: "they [the amendments] raise new issues that would require further consideration and/or search."

#### Two Observations

(1)

It is not possible for the re-introduction of "complicated" to introduce a "new issue" because it was previously included in claim 1 and rejected. The issue is revisited which cannot, per se, amount to a "new issue" but, in fact to an old issue.

(2)

By stating "...require the examiner to reinstate the rejection of claims 1, 2 and 4" leads, logically, to the conclusion that the old issue is reinstated, and this old issue was addressed in the brief.

What issue is applicant supposed to address in their brief if not one that has been reinstated?

The Notification on Non-Compliance should be withdrawn.

Respectfully submitted,



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Reg. No. 25,721

August 8, 2001

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